

AG Tells Gov. To Reconsider Email Response

James Monteleone / Journal Staff Writer

SANTA FE — Attorney General Gary King's Office is telling Gov. Susana Martinez's staff to take a second look at its records to see if private emails related to state business were wrongfully withheld from a recent Inspection of Public Records Act request.



In a letter sent Tuesday, King's staff called the governor's IPRA response to the request from a Santa Fe newspaper reporter "insufficient." The letter directed the Governor's Office to review private email accounts to determine whether any of the documents relate to public business and meet the state requirements for public records release.

"If email is used to conduct public business, the email is a public record, without regard to whether the email is created or maintained on a public or private email account," the AG's letter to the Governor's Office said.

King, a Democrat, has said he plans to run for governor against Martinez in 2014.

The letter was in response to complaint filed by an employee of the Santa Fe Reporter with the Attorney General's Office in August claiming the governor's records custodian failed to release at least one known email related to unionized teachers after it requested release of private emails sent by certain members of the governor's staff.

Governor's spokesman Enrique Knell said King's office is "playing politics" through its response to the records request, and applying inconsistent policies to the Republican governor's office.

The attorney general "was made aware that our office had already provided the Santa Fe Reporter with all responsive emails," Knell said. "We look forward to the AG applying these same standards to himself, the legislature, and every other governmental agency in the state."

Santa Fe Reporter Editor Alexa Schirtzinger said the weekly newspaper welcomed the AG's finding.

"We continue to believe that these emails are a matter of public record and should have been released to us per our request under the New Mexico Inspection of Public Records Act," Schirtzinger said in a statement.

King's office in December, responding to a request, released hundreds of private emails affiliated with the governor's 2010 election campaign, including many that were unrelated to public business. The governor's office has criticized the release of private emails unrelated to state affairs, which were given to the AG as part of a request for an investigation.

King has said his office is investigating the Martinez administration's use of private email accounts.

Meanwhile, the FBI has said it is investigating whether Martinez campaign accounts were illegally hacked.

Martinez in 2012 mandated that all state employees use state-operated email accounts when conducting state business.

— This article appeared on page C1 of the Albuquerque Journal

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